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Paper No. 21

DANIEL P. MCCARTHY  
PARSONS BEHLE & LATIMER  
201 SOUTH MAIN STREET, SUITE 1800  
P.O. BOX 45898  
SALT LAKE CITY UT 84145-0898

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APR 02 2003

In re Patent No. 6,413,458 B1  
Issue Date: July 2, 2002  
Application No. 09/303,979  
Filed: May 3, 1999  
Patentee: Pearce

**OFFICE OF PETITIONS**

:  
:  
: LETTER RE  
: CERTIFICATE OF CORRECTION  
:

The purpose of this communication mailed pursuant to 37 CFR 1.322(a)(4), is to afford the patentee or the assignee of the above-identified patent an opportunity to be heard on the matter discussed *infra*.

A TIME LIMIT OF ONE MONTH FROM THIS MAILING IS SET FOR ANY REPLY TO THIS COMMUNICATION. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) OR (b) ARE AVAILABLE.

The above-noted patent under the section entitled "Background Art" refers to a number of gelatinous elastomer patents issued to a Mr. Chen and then at col. 1 lines 29 through 32 states:

Mr. Chen's gel appears to be anticipated by two other prior art patents: U.S. Pat. No. 3,827,999 issued to Crossland and U.S. Patent No. 5,618,882 issued to Hammond et al.

MPEP 608.04(r), which pertains to "Derogatory Remarks about Prior Art in the Specification" sets forth the following guidelines:

The applicant may refer to the general state of the art and the advance thereover made by his or her invention, but he or she is not permitted to make derogatory remarks concerning the inventions of others. Derogatory remarks are statements disparaging the products or processes of any particular person other than the applicant, or statements as to the merits or validity of applications or patents of another person. Mere comparisons with the prior art are not considered to be disparaging, per se.

The USPTO intends to issue a Certificate of Correction under 37 CFR 1.322 which deletes at col. 1 lines 29 through 30: "Mr. Chen's gel appears to be anticipated by two other" and substitutes --Other-- therefore.

Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office  
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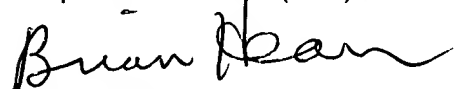
By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 South Clark Place  
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**Effective May 1, 2003, the new address for correspondence will be:**

**Mail Stop PETITION  
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Post Office Box 1450  
Alexandria, VA 22313-1450**

Telephone inquiries concerning this matter may be directed to the undersigned at telephone number (703) 305-1820.



Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy